

BATTLE OF SANITY EXPERTS IS OVER.

Evidence in Jesse M. Gregory's Case Will Go to the Jury To-day.

Lawyer Levy Fails to Weaken the Evidence Tending to Prove the Prisoner Sane.

BOTH SIDES READY TO SUM UP.

Limited to One Hour Each—Recorder Goff Hopes the Jury Will Be Able to Agree Upon Their Verdict To-night.

The taking of testimony in the case of Jesse M. Gregory, who is charged with the murder of his wife on April 5 last, was concluded before Recorder Goff in Part IV. of the Court of General Sessions yesterday, and the case will go to the jury to-day.

The whole of yesterday's sessions were absorbed in the taking of testimony in rebuttal of the defense's plea of insanity and the keen cross-examination of the witnesses by Lawyer Levy.

Dr. W. H. Theobald, of St. Vincent's Hospital, in whose care the prisoner had been after his attempted suicide and arrest, was first called and swore that he had observed nothing in the prisoner's demeanor inconsistent with perfect sanity.

Then Dr. Robert Stafford Newton was recalled for cross-examination. In vain did Mr. Levy attempt to shake the positive opinion expressed the previous day that there was absolutely no trace of insanity in the prisoner.

Standard works upon mental diseases, written by Dr. Maudsley and Dr. Mann, were brought in requisition and placed against the witness in an effort to discredit his scientific knowledge of the subject on which he claimed to be an expert, but little impression appeared to be made upon the jury.

GREGORY'S CASE ONE OF FOUR.

It was brought out that Dr. Newton had represented the District-Attorney's office in the position of expert in insanity in a score of cases. In sixteen of these he had reported the mental irresponsibility of the prisoner, and only four he had found to be of sound mind. One of these is Gregory.

"Can an insane man be a free agent in any one thing?" was asked.

"No, that is opposed to the idea of insanity," was the reply. "The will is not free, but subjective, and if a man so controls his will that he exercises the functions of that will he cannot be insane."

Dr. James A. Kelly deposed to examining Gregory twice on the 17th of this month. The prisoner told him that he had not been killing his wife, but added: "Oh, a man will do anything for a woman's sake."

"He exhibited but a sentiment of loco moria," said the witness, "and gave no evidence whatever of being deranged mind."

Speaking of the prisoner's demeanor in and out of court, Dr. Kelly said he had noticed the supposed nervous demeanor of the witness, particularly "on the proceedings were unimpaired, but at other times he appeared to be under the influence of frequent suggestions to those associated with his counsel."

He had also observed that when the sessions were over, more peculiarities were noticeable, but that he believed a rational man under his peculiar circumstances would.

NOT AN EPILEPTIC.

"Only such lapses of the memory or irreducible unconscious periods occur in the epileptic form of madness," continued the witness, "and these are always attended with convulsions, as has never been exhibited by Gregory."

The hypothetical question, that had been asked by the District-Attorney, for the defense with an opinion in favor of the prisoner's insanity, was characterized by the witness as a gross overstatement of what with very little grain in it.

"There is absolutely nothing incompatible with sanity in all the actions there exhibited," said Dr. Kelly, "the actions of Gregory before and at the time of the murder appear to have been the result of passion and not insanity, and that is perfectly natural in a human creature."

Dr. Georgeann, formerly physician to the Albany Foundling Hospital, and who examined the prisoner in the Tombs during December last, and testified that he considered him absolutely sane, and sane at the time of the hypothetical question he also gave the same answer. He held with Dr. Kelly that epileptic mania was the only form of insanity characterized by sudden fits of unconscious violence.

A DRAWN BATTLE.

Lawyer Levy in his cross-examination tried to discredit the witness's testimony, but with little success, and at the conclusion of the session the defense had suffered severely. For the last two days the trial had lasted into a battle of medical experts with equal numbers on each side, and resulted in a decided draw.

At 4:30 p. m. all the testimony was in and Recorder Goff requested Mr. Levy to sum up for the defense. Upon the promise that he would not occupy more than an hour, the case was adjourned until 10 o'clock this morning. At noon Assistant District-Attorney Osborne will speak for the prosecution, being limited to the period before recess, and Recorder Goff adjourned that then he would present the case to the jury, in the hope that they would be able to agree upon their verdict at an early hour this evening.

DRUNK AT NINE YEARS.

Willie Butler Swallowed a Quarter of a Flask of Whiskey and Fell Unconscious.

Patrolman Murphy, of the Charles Street Station, saw a boy lying on Jones street, near West Fourth, on Monday. Thinking that the youngster had met with an accident, the policeman went up to him. He found that the boy was drunk.

Murphy took him to St. Vincent's Hospital, where the patient was treated for alcoholism, just like a man. He did not recover for some time, but finally said that his name was William Butler, nine years old, and that he lived at No. 45 Downing street.

As to how the boy got the liquor is a matter of some doubt. William said that another boy whose name was Allen, but who was known to the Butler boy by a nickname, met him on the street, and produced a bottle of whiskey of which Willie drank one quarter. The stuff must have done its work rapidly, for the lad was at the parochial school of St. Joseph's church, on Washington place, up to 4:30 o'clock, and it was only a few minutes after five when Murphy found him. The Gerry Society made inquiries for Allen, but was unable to get any trace of him.

Butler was the son of a houseman, and his parents and sister are respected, and all their neighbors on Downing street.

When the lad was arraigned in the Jefferson Market Police Court, yesterday, his mother and sister, who were much affected by their surroundings, told Magistrate Brann that the little prisoner was a good boy with nothing vicious about him, and pleaded for his discharge. The court accepted their testimony, and discharged Willie, but not before he delivered a lecture, which frightened the boy.

Will Join the Federation of Labor.

Another union is to be formed from the Knights of Labor and go over to the American Federation of Labor. This union is known as the "Cigar-makers' Progressive Assembly." It will take thirty days to wind up its connection with the Knights of Labor, and will then be given a charter by the A. F. of L.

Writers and Sweepers Resigned as proof as was called for and delivered free, and postal A. H. Winger Co., 90 Chambers st., New York.

HIS TYPEWRITER ELOPED.

Feared It Has Gone with a Fascinating Burglar Who Scorned the Health Goods.

For only one short month did Manager Albert Turner, of the Health Culture Company, enjoy the society of his pretty typewriter. They occupied adjoining tables in the office of the company at No. 30 East Fourteenth street, where their relations, always of a purely business character, were most agreeable. But some one has stolen his treasure away, and Mr. Turner is all but disconsolate.

Of course Turner is a fine appearing man, with a wealth of iron-gray hair and whiskers. That he sadly misses his aide is evident by the mournful tone in which he speaks of his loss. He is almost certain that the absent one is now basking in the sun, and that the typewriter is in which only adds rage to his grief.

The missing typewriter was ornamental as well as useful to the office of Mr. Turner. He says that he would not have willingly parted company for \$100 spot cash. Often and often, during the short time he owned it, the typewriter turned a tender, soulful eye upon his trim associate, but his soft glances were never returned. If caught, the typewriter is in that quiet office, the typewriter gave no outward token of the fact. And Mr. Turner, not, of course, suspecting his admirer.

The first intimation of the crushing blow that had fallen upon Mr. Turner was contained in a note from him, received at this office. That brief epistle said, among other things:

"An investigation held in the Health Culture office, disclosed the barrowing fact that the table lately occupied by the typewriter in her lovely juponed case was vacant. She was a brand-new Remington, too, and valued at \$100."

What bothers Mr. Turner more than anything else is that none of his health culture goods, worth far more than the typewriter, were stolen. From this he infers that the burglar or burglars were altogether too healthy. His office was broken into some time between Saturday night and Monday morning, by some one whose sole aim was to elope with Mr. Turner's typewriter. The thief even secured a few dollars in money lying in a drawer, but thoughtfully abstracted a pair of cheap scissors and a paper cutter. All sorts of massage rollers, brushes, expensive health garments, and exercising appliances remained untouched.

Mr. Turner sells these things, and the fact that a professional burglar studiously refrained from stealing any of them, fills him with a sense of mystery. He has notified the police and the typewriter firm of the loss of the machine. The scissors may never be recovered.

DIED ALONE IN HIS Hovel.

Purcell Was an Odd Character and Had Recently Taken to Drink.

William Purcell was one of the odd characters of the Fifth Ward, Brooklyn. He was a truckman, who, and several considerable money, and earned valuable property, but he lived all alone in a little tumble-down shanty at No. 46 Green lane. He ate his meals in the house of his sister, who lives across the street. The sister is married, and has a daughter who was Purcell's only pet. The child's name is Annie O'Neil.

Purcell owned three valuable houses in the Fifth Ward, and had \$1,700 in the bank. Recently he sold one of his houses and began to drink very heavily. He would spend part of the money he received for his house for liquor. His health broke down, and he remained in bed a good deal of the time.

Thursday morning Annie went over to the shanty to call her uncle. She hammered on the door for a long time, but there was no response. Then a policeman was notified. He broke in the door with his club and went to Purcell's sleeping room in the rear. On the bed, which was almost the only furniture in the room, the old man lay. The policeman saw in an instant that he was dead.

It is believed the man died of heart failure.

A VANDERBILT SKY-SCRAPER.

The Building at Nassau and Beekman Streets to Be Remodeled.

The Vanderbilt building, at the southeast corner of Nassau and Beekman streets, is not to be left far behind in the list of sky-scrapers. Messrs. Cornelius and William K. Vanderbilt yesterday filed plans for alterations to the building costing \$400,000. These alterations will elevate the Nassau street front to a height corresponding with that of the addition made some time since on Beekman street, which is fourteen stories high. McKim, Mead & White drew the plans for the new front.

The Vanderbilt building is the oldest of the office buildings that cluster about the intersection of Nassau and Beekman streets. Brownstone was used in the construction of the fronts of the old building, but the remodelled structure will be made to correspond in appearance with the light brick addition on Beekman street. It is the intention of the Vanderbills to fit up the practically new building with all the modern improvements now found in the up-to-date sky-scrapers.

Schemenetzky Girls Taken Home.

Ida Snyder, twenty-four years old, and Ida Boeker, twenty-two years old, both of Schemenetzky, N. Y., were arraigned in Jefferson Market Court, yesterday, by Detective Reagan, of the Central Office, on a charge of larceny. The detectives told Magistrate Brann that the two girls had run away from Schemenetzky two weeks ago and had come to this city. They had taken with them two gold watches belonging to Miss Snyder's mother. She entered a complaint against the girls at Schemenetzky, and they were traced to this city. He arrested them at the Havana Hotel, Forty-second street and Lexington avenue, yesterday morning. Magistrate Brann committed them to the custody of Detective Frank De Frost, of Schemenetzky, to be taken back to that city.

AMUSEMENT NOTES.

Oscar Hammerstein has engaged Harriet Harlow for the Olympia Hall. She will appear Monday night in what is called the "Santitas" dance, in which new electrical effects are introduced. A feature of her performance will be the introduction of the catoblepas, Carl Hertz will on Monday introduce a new illusion which he calls "After the Flood." It is said to be novel.

The management of the Damosch Opera Company have established a branch office in the German will be given at the Irving Place Theatre to-night. Anna Bragg will be seen in the role of a part in the English version by Ada Rehan.

The Harlem Club, a social organization, will attend the performance of William H. Crane, "The Governor of Kentucky," at the Harlem Opera House Monday night. It will be the largest theatre party of the season.

Sandow, who begins an engagement at Proctor's Pleasure Palace Monday, will introduce several new feats of strength, including the holding out at arm's length in each hand of a mounted bicyclist. He will also perform for the first time his new act, a typical episode in the life of the Venetian Hercules. There are five striking tableaux in it.

There was a change in the cast of "For the Crown" at Palmer's Theatre Tuesday night. Charles Kent taking the part of Brannoch, and John H. Crane, who has been joined Sydney Rosenfeld's company. Mr. Kent was formerly and impressive in his new part, but the having slight nervousness gave an excellent performance. This former part of Benko played by T. M. Pugh.

Manager Piton has decided to present Chaucer's "Owl" in a new part next Monday night, March 2, at the Fourteenth Street Theatre. Mr. Piton is to appear in Fred Mitchell's picture, "The Irish Comedy Drama," "The Minister of Grace," in which he will sing several songs, some of which are of his own composition. The play will be given with an excellent cast and handsome scenery.

Manager Kraus, of the Imperial Music Hall, will on Monday night celebrate the occasion of the 100th anniversary of the birth of Beethoven by making it a grand soiree of artists, and put on an extra array of artists. Each day in the audience will be presented with a handsome token.

John Kernell, starring in "The Irish Alderman," will begin his season (April) at the Palace, a monologues engagement at Proctor's Pleasure Palace.

PARSON TOMPKINS SUES HIS LANDLADY.

Contest Before Justice MacLean Over Possession of a Boarding House.

Preacher Wants to Control the Place and Claims Mrs. Seaton Agreed to Sell It to Him.

WOMAN DENIES HIS STATEMENT.

She Avers That She Gave the Minister an Option on the Property and That He Has Paid but a Small Sum.

A battle for a boarding-house is raging before Justice MacLean, in a sketched-out case, of the Supreme Court. The principals are one landlady and one Baptist preacher, ably seconded by two lawyers, with a scattering crowd of star boarders and church people as spectators.

Though the challenge was issued over a year ago, the first round did not take place until yesterday. It ended slightly in favor of Mrs. Mary L. Seaton, who runs a private boarding-house at Nos. 409 and 411 West Fifty-seventh street.

The Rev. George Tompkins, a member of Amity Baptist Church, claims the house on a contract, alleged to have been signed by Mrs. Seaton. The preacher further avers that he held possession of the premises from July 6, 1894, until September of the same year, when he was wrongfully evicted by the landlady. She would not even allow him to remain in the constabulary of boarders, he alleges. The preacher prays for an injunction to restrain her from interfering with him and the boarding-house, and also asks that Mrs. Seaton be compelled to surrender the written contract she signed at the time he was ousted.

The landlady occupied the stand the greater part of the day. She is a widow and has conducted this house at the number 409 and 411 West Fifty-seventh street, in January last Mr. Tompkins appeared in the role of boarder, and since then, according to her story, he has been in the house more or less regularly. It appears that the preacher was not following his chosen profession at that time, but was engaged in the sale of real estate. Mrs. Seaton wanted to sell, and some sort of a deal was effected whereby the preacher bought, chiefly by faith alone, if the story of the lady is the truth, the whole truth and nothing but the truth.

After the preacher had boarded industriously until the month of May he one day found Mrs. Seaton taking down the furniture. Rev. Mr. Tompkins inquired the reason, and on learning that a sale was contemplated, asked Mrs. Seaton why she did not sell him the house. Being in a position to know, the landlady expressed a belief that the preacher had no money. He denied this, and the matter was dropped. He was in a position to make the purchase.

Mr. Tompkins produced a contract after retiring from prayer meeting in the evening of July 6, 1894. After some discussion Mrs. Seaton signed the document, in the belief that it was only an agreement to purchase, as she understood the case. By the terms of this contract the preacher was to pay \$1,000 for the furniture, and a cash advance of \$100 monthly. He also agreed to pay the rent of \$350 per month and derive such profits as might be made in keeping boarders.

In his complaint Mr. Tompkins says that he was evicted in September, 1894, after making the monthly payments called for by the contract, and he was an accounting of all money due since that date. On the other hand, the landlady insists that there was no written contract, that the preacher only paid her \$20 on account, and that the contract was never carried out. Mrs. Seaton insists that she was only a witness to the signing of the contract, and that she was not a party to it.

Mr. Tompkins was only a bookkeeper," she said in response to questions from her attorney, Julius Offenbach. "I gave him some bills to collect, and nothing more. He owed the money. During the months he claims to have been in possession I paid all the expenses of the house, as have in the past. One day in July he showed me a card on which his name appeared as the proprietor of the house. I asked him how he dared have such a card printed. Some time later I found 200 of the cards in a desk and threw them away. There was also a lot of letters with his name on them. Mr. Tompkins will be given a chance to-day to relate his end of the boarding house deal.

Ensemble Chamber Music.

A series of three recitals of ensemble chamber music will be given by Miss Antonette Simons and Messrs. Timothy and Joseph Adamevich, of the Boston Symphony Orchestra, on the afternoons of February 27, March 9 and March 23 at Mendelssohn Glee Club Hall, under the patronage of the following society ladies: Mrs. Robert A. Barry, Mrs. S. L. Baylies, Miss Alice M. Williams, Mrs. J. W. Prescott, Mrs. J. W. Butler, Mrs. Joseph H. Chase, Mrs. John C. Cowles, Miss Oyster, Mrs. William H. Dolan, Mrs. H. H. Pratt, Mrs. S. S. Dunham, Mrs. G. W. Smith, Mrs. Fred Goodridge, Mrs. Ignatius Grossmann, Mrs. Sanford White, Mrs. Henry Holt, Mrs. E. R. Hill, Mrs. William Rutherford, Mrs. J. Pierpont Morgan, Mrs. J. Pierpont Morgan, Mrs. William A. Ochs, Mrs. J. Pierpont Morgan, Mrs. Henry W. Poor, Mrs. Miss R. H. Smith, Mrs. William Douglas Sloan, Mrs. S. Sidney Smith, Mrs. Louise Tiffany.

Mayor Strong Approves the Title.

A bill giving title to the old site of St. Luke's Hospital, on Fifth avenue, between Fifty-fourth and Fifty-fifth streets, was yesterday approved by Mayor Strong. He announced that a public hearing would be held, but there was no opposition to the measure. The land referred to was a conditional gift to the city, and perfect title would not be acquired without legislative action. A syndicate bought the old hospital site when the institution was removed to Morningside Heights.

Held a Wife Beater for Trial.

Court Officer Tierney, of the Centre street squad, arraigned Vincenzo Maduro, of No. 5 Centre Market place, before Magistrate Crane in the Centre Street Court yesterday morning, on a charge of beating his wife. Pulkomon, who brought the old husband in, was swathed in bandages and she told the court that her husband beat her for no reason that she knew of. Maduro was held in \$300 bail for trial.

A MIRACULOUS ESCAPE.

Carney Jumps Backward from an "L" Engine and Lands on His Head in the Street.

Thomas Carney, twenty-two years old, of No. 230 East One Hundred and Twenty-first street, a car coupler on the elevated railroad at the One Hundred and Seventy-seventh street terminus, fell from the tracks, a distance of twenty-five feet at 8:0 o'clock yesterday morning and sustained a severe shock and scalp wound. The train, northbound, pulled into the station and Carney jumped on the rear of the tender next to the first car for the purpose of uncoupling the steam pipe and coupling hooks. He did not notice that the engine, owing to the slippery condition of the tracks, had run a few feet past the regular stopping point, and beyond the end of the iron backward from his perch to the narrow main and the street below.

He was unconscious when picked up and was taken to Fordham Hospital, where his injuries are said to be slight. Dr. Kelly pronounced Carney's escape from death at little short of miraculous.

TO GET RID OF S. V. R. CRUGER.

That is Said to Be the Purpose of Assemblyman Austin's Bill.

It was stated yesterday that Mayor Strong would certainly veto the bill recently introduced in the Legislature by Assemblyman Austin for the purpose of legislating Colonel S. V. R. Cruger out of the Park Commission. The measure, which is numbered 957, contains the Arcadian motive which apparently prompted it in the final clause, which reads:

"The members (of the Park Board) now in office shall continue to hold their positions until their respective terms expire, except that there shall be appointed no successor to the members of the present board whose term of office shall first expire, whether by death, resignation, expiration of term or otherwise."

It was known that Cruger's term expired first. It was also known that the Colonel prays for an injunction to restrain her from interfering with him and the boarding-house, and also asks that Mrs. Seaton be compelled to surrender the written contract she signed at the time he was ousted.

Colonel Cruger, when seen yesterday, said he was worried by the tactics used to get him out. It was suggested that one member of the Board would resign, in case the Mayor thought, and thus give the Mayor the pleasure of reappointing Cruger. That the straight-out will leave that loophole is open, but the Mayor intends to stand by Cruger, and so will likely to widen the breach between the Mayor and the Republican machine.

ARTISTS EXPECT VICTORY.

Strikers' Ranks Have Been Augmented by Non-Union Men.

The striking lithographic artists were satisfied yesterday that in a few days they would obtain a victory. The employers in agreeing to recognize their union had yielded one point, and the ranks of the strikers were augmented yesterday by a number of non-union artists.

Telegram were received by the Executive Committee of the strikers at their headquarters, 101's Hall, No. 12 Broadway, from other cities, showing that the strike was going in favor of the unions outside of New York. According to the dispatches in Boston all the firms have yielded, including Forbes, Prang, Armstrong, Walker, and the Boston Bank Note Company. Similar victories are reported in Chicago, where the Western Bank Note Company, Carqueville & Sons, Orcutt & Co., and several other large firms have granted the demands.

Union for San Francisco Tailors.

The General Executive Board of the United Garment Workers, whose headquarters are at No. 28 Lafayette place, this city, issued a charter yesterday to an organization of two hundred tailors in San Francisco. The new organization will be known as Local Union, No. 132 of the United Garment Workers. This is the first charter issued to an organization west of the Mississippi.

COTTOLENE.

When

You fry fish or oysters in Cottolene they will not be greasy. Always have the skillet or frying pan cold when the Cottolene is put in. Remember that Cottolene heats to the cooking point sooner than lard and that it must not be allowed to burn.

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